

BILL LOCKYER
ATTORNEY GENERAL
MANUEL M. MEDEIROS
SENIOR ASSISTANT ATTORNEY GENERAL
ROBERT E. LEIDIGH
DEPUTY ATTORNEY GENERAL
P.O. Box 944255
Sacramento, CA 94244-2550

BEFORE THE UNITED STATES DEPARTMENT OF JUSTICE

THE STATE OF CALIFORNIA, on)
behalf of Kings, Merced, Monterey and)
Yuba Counties.)
_____)

**SUBMISSION UNDER SECTION 5
OF THE VOTING RIGHTS ACT
(Senate and Congressional Districts)**

**ATTORNEY GENERAL OF THE STATE OF CALIFORNIA'S
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
ADMINISTRATIVE PRECLEARANCE UNDER 42 U.S.C. § 1973c
FOR THE COUNTIES OF KINGS, MERCED, MONTEREY AND YUBA**

**EXPEDITED CONSIDERATION REQUESTED
(Critical Date: October 29, 2001)**

TABLE OF CONTENTS

| | | |
|------|---|----|
| I. | INTRODUCTION | 1 |
| II. | REQUEST FOR EXPEDITED CONSIDERATION BEFORE OCTOBER 29, 2001 (28 C.F.R. § 51.34(a)). | 1 |
| III. | REQUIRED CONTENTS OF PRECLEARANCE SUBMISSION (28 C.F.R. § 27). | 2 |
| A. | Copy of New Districting Plan (28 C.F.R. § 51.27(a)). | 2 |
| B. | <u>Copy of Prior Districting Plan (28 C.F.R. § 51.27(b))</u> | 2 |
| C. | <u>Difference Between The New Plan And The Old Plan Regarding The Four Preclearance Counties (28 C.F.R. § 51.27(c))</u> | 3 |
| 1. | Overview | 3 |
| 2. | Senate Districts. | 5 |
| a. | Yuba County -- SD 4 | 5 |
| b. | Merced County -- SD 12 | 6 |
| c. | Monterey County -- SD 12 & SD 15 | 6 |
| d. | Kings County -- SD 16 | 9 |
| 3. | Congressional Districts | 10 |
| a. | Yuba County -- CD 2 | 10 |
| b. | Monterey County -- CD 17 | 10 |
| c. | Merced County -- CD 18 | 10 |
| d. | Kings County -- CD 20 | 10 |
| e. | Summary | 10 |

| | | |
|-----|--|----|
| D. | <u>Use of Estimates (28 C.F.R. §§ 51.26(b), 51.28(a)(3)).</u> | 11 |
| E. | <u>Name, Title And Address of Persons Making This Submission (28 C.F.R. § 51.27(d)).</u> | 11 |
| F. | <u>Name of Submitting Authority And Name of Jurisdiction Responsible For Change (28 C.F.R. § 51.27(e)).</u> | 12 |
| G. | <u>Identity of Body Responsible For Making The Change And The Mode of Decision (28 C.F.R. § 51.27(g)).</u> | 12 |
| H. | <u>Statement Identifying Authority Under Which The Change Was Made And Description of Procedures Required to Be Followed in Deciding to Undertake The Change (28 C.F.R. § 51.27(h)).</u> | 12 |
| I. | <u>Date of Adoption (28 C.F.R. § 51.27(i)).</u> | 13 |
| J. | <u>Date on Which Change Is to Take Effect (28 C.F.R. § 51.27(j)).</u> | 14 |
| K. | <u>Statement re Enforcement (28 C.F.R. § 51.27(k)).</u> | 14 |
| L. | <u>Geographical Scope of The Change (28 C.F.R. § 51.27(l)).</u> | 14 |
| M. | <u>Statement of Reason For The Change (28 C.F.R. § 51.27(m)).</u> | 14 |
| N. | <u>Statement of Anticipated Effect on Members of Racial or Language Minority Groups (28 C.F.R. § 51.27(n)).</u> | 14 |
| O. | <u>Statement of Past or Pending Litigation (28 C.F.R. § 51.27(o)).</u> | 15 |
| P. | <u>Statement re Preclearance of Prior Districting (28 C.F.R. § 51.27(p)).</u> | 15 |
| IV. | <u>SUPPLEMENTAL MATERIALS (28 C.F.R. § 51.28).</u> | 15 |
| A. | <u>Demographic Information (28 C.F.R. § 51.28(a)).</u> | 15 |
| B. | <u>Maps (28 C.F.R. § 51.28(b)).</u> | 15 |
| C. | <u>Election Returns (28 C.F.R. § 51.28(d)).</u> | 15 |

| | | |
|----|--|----|
| D. | <u>Publicity and Participation (28 C.F.R. § 51.28(f)).</u> | 16 |
| E. | <u>Availability of Submission (28 C.F.R. § 51.28(g)).</u> | 20 |
| F. | <u>Minority Group Contacts (28 C.F.R. § 51.28(h)).</u> | 21 |
| V. | CONCLUSION | 27 |

APPENDICES:

| | |
|------------|--|
| Appendix A | Chapter 348 of Statutes of 2001 (due to volume, submitted separately) |
| Appendix B | <i>Wilson v. Eu</i> , 1 Cal.4th 707, 823 P.2d 545 (1992) |
| Appendix C | Demographic Information for 1991 and 2001 Senate Preclearance Districts |
| Appendix D | 1991 maps for Senate Preclearance Districts |
| Appendix E | 2001 maps for Senate Preclearance Districts |
| Appendix F | Demographic Information for 1991 and 2001 Congressional Preclearance Districts |
| Appendix G | 1991 maps for Congressional Preclearance Districts |
| Appendix H | 2001 maps for Congressional Preclearance Districts |
| Appendix I | Guidelines and Procedures for the 2001 Redistricting Process |
| Appendix J | Evidence of Preclearance of Prior Districting: <ul style="list-style-type: none"> 1) Letter dated February 28, 1992 from Gerald W. Jones, Chief, Voting Section, U.S. Department of Justice; 2) Letter dated February 19, 1992 from John R. Dunne, Asst. Attorney General, Civil Rights Division, U.S. Department of Justice |
| Appendix K | Index of Written Plan Submissions (actual plan submissions included in Volume 8 and Volume 9 of Appendix (M)) |

Appendix L Public Notice of Section 5 Submission for Senate and Congressional Districts to the United States Attorney General

Appendix M Publicity and Participation: Volumes 1 through 9
(due to volume, submitted separately)

| | |
|-----------------|--|
| Volume 1 | Press Releases |
| Volume 2 | News Articles |
| Volume 3 | Public Notices, Hearing Materials |
| Volumes 4/5/6/7 | Public Correspondence |
| Volume 8 | Written Plan Submissions (Mexican American Legal Defense & Educational Fund) |
| Volume 9 | Written Plan Submissions (NAACP, African American Community Advisory Committee on Redistricting, California Wild Heritage Campaign, Ross Romero/Art Castillo, Coalition of Asian Pacific Americans for Fair Redistricting) |

Appendix N Transcripts of Public Hearings
(due to volume, submitted separately)

| | |
|--------------------------------------|----------------|
| Fresno Senate Committee Hearing | Dated: 5/22/01 |
| Los Angeles Senate Committee Hearing | Dated: 7/17/01 |
| San Diego Senate Committee Hearing | Dated: 7/23/01 |
| San Jose Senate Committee Hearing | Dated: 7/24/01 |
| Sacramento Senate Committee Hearing | Dated: 7/31/01 |
| Joint Senate/Assembly Hearing | Dated: 9/5/01 |

Appendix O CD containing demographic data and maps

I. INTRODUCTION

California has adopted new districting plans for the California Senate and the California Congressional delegation. Both plans are contained in the same statute, which will be referred to throughout this submission by its chapter number, Chapter 348.¹ Chapter 348 was signed by the Governor and became law on September 26, 2001.

Four California counties -- Yuba, Merced, Monterey, and Kings -- are covered jurisdictions under Section 5 of the Voting Rights Act of 1965.² This submission seeks preclearance for the Senate and Congressional districts that include the four covered counties, specifically:

Senate Districts

SD 4 (Yuba)
SD 12 (Merced & Monterey)
SD 15 (Monterey)
SD 16 (Kings)

Congressional Districts

CD 2 (Yuba)
CD 17 (Monterey)
CD 18 (Merced)
CD 20 (Kings)

II. REQUEST FOR EXPEDITED CONSIDERATION BEFORE OCTOBER 29, 2001 (28 C.F.R. § 51.34(a)).

The new boundaries will be used for California's primary election on March 5, 2002. California law provides that a candidate who wishes to run in the March primary must file a Declaration of Intention to seek legislative office between October 29 and November 7, 2001.³ The State of California therefore requests that this submission be given expedited

¹ Stats. 2001, ch. 348.

² See Appendix to 28 C.F.R. Part 51 (listing covered jurisdictions).

³ See Cal.Elec.Code §§ 8022(a), 8105, 8350.

consideration, and that a decision whether to interpose an objection be made as soon as possible, but in any event before October 29, 2001.

III. REQUIRED CONTENTS OF PRECLEARANCE SUBMISSION (28 C.F.R. § 27).

A. Copy of New Districting Plan (28 C.F.R. § 51.27(a)).

The new Senate and Congressional districting plans are contained in Chapter 348 of the California Statutes of 2001. A copy of Chapter 348 is attached as Appendix A.

Details of the new plans as they apply to the four covered counties are located at pp. 19-22 (SD 4), pp. 56-65 (SD 12), pp. 86-93 (SD 15), pp. 94-112 (SD 16), pp. 304-308 (CD 2), pp. 375-376 (CD 17), pp. 376-383 (CD 18), and pp. 390-406 (CD 20), of Appendix A.

B. Copy of Prior Districting Plan (28 C.F.R. § 51.27(b)).

The prior districting plans were adopted by the California Supreme Court in 1992 after the Legislature and the Governor reached an impasse and could not agree on a redistricting statute. *Wilson v. Eu*, 1 Cal.4th 707, 823 P.2d 545 (1992). A copy of the *Wilson* opinion is attached as Appendix B. With very minor changes that are irrelevant to the covered counties, the *Wilson* opinion adopted the plan of a panel of Special Masters appointed by the Supreme Court. The Special Masters' Report is an appendix to the *Wilson* opinion and is included in Appendix B.

The Senate districts covering the preclearance counties in the old plan are SD 1 (Yuba), SD 12 (Merced), SD 15 (Monterey), and SD16 (Kings) . They are described in the

Special Masters' Report [Appendix B] at 1 Cal.4th 770, 784-785. Tabular data is located at 1 Cal.4th 806-807 (total population) and 1 Cal.4th 808-809 (voting age population).

The Congressional districts covering the preclearance counties in the old plan are CD 2 (Yuba), CD 17 (Monterey), CD 18 (Merced), and CD 20 (Kings). They are described in the Special Masters' Report [Appendix B] at 1 Cal.4th 789-790. Tabular data is located at 1 Cal.4th 810-811 (total population) and 1 Cal.4th 813 (voting age population).

C. Difference Between The New Plan And The Old Plan Regarding The Four Preclearance Counties (28 C.F.R. § 51.27(c)).

1. Overview

At the outset it should be noted that the four preclearance counties are small and therefore can make up only a fraction of the districts that contain them.⁴ This is clearly demonstrated by comparing the ideal population of Senate and Congressional districts to the population of the four counties:

| | |
|--|---------|
| Population of ideal Senate district | 846,791 |
| Population of ideal Congressional district | 639,088 |
| Population of covered counties | |
| Yuba | 60,219 |
| Merced | 210,554 |
| Monterey | 401,762 |
| Kings | 129,461 |

⁴ As the Special Masters who prepared the prior districting plans observed in 1991:

Four California counties--Kings, Merced, Monterey, and Yuba--are covered by section 5. All have relatively small populations that include the assigned personnel of large military bases, who are unlikely to register to vote.

Wilson, supra, 1 Cal.4th at 746.

The four covered counties combined do not have sufficient population to make up a single senate district.

Because the covered counties are small, and because few of the adjoining counties have a majority-minority population, it has always been difficult to create majority-minority seats in the covered counties. The previous plan contains one majority-Latino Senate district (SD 16 -- Kings) and one majority-Latino Congressional district (CD 20 -- Kings). The new plan retains Latino majorities in these two seats. The new plan also creates a brand new majority-minority seat by combining most of Merced and Monterey counties in new SD 12. New SD 12 has a total minority Voting Age Population (VAP) of 54.86% (44.06% Latino VAP). This new majority-minority district significantly increases minority voting power in Central California.

The only minority group of sufficient size to determine or influence election outcomes in any of California's covered counties is the Latino population. Latinos comprise 43.6% of Kings County, 45.3% of Merced County, 46.8% of Monterey County, and 17.4% of Yuba County. Other minority populations (i.e., African Americans, Asians, American Indian, Alaskan Native, and Native Hawaiian and Other Pacific Islander) are in almost all instances less than 5% of total population. Even the exceptions are well under 10%.⁵ Thus this submission will describe the effects of the new boundaries only on Latinos in each covered county.

⁵ See *Profiles of General Demographic Characteristics, 2000 Census of Population and Housing, California* (U.S. Dept. of Commerce), pp. 17 (Kings County), 25 (Merced County), 28 (Monterey County), 59 (Yuba County).

As will be shown below, the new districting plans have neither the purpose nor the effect of diluting Latino voting power in any of the covered counties.⁶

2. Senate Districts.

a. Yuba County -- SD 4

| <u>Group</u> | <u>1991 (SD 1)</u> | <u>2001 (SD 4)</u> | <u>Difference</u> |
|----------------------------------|--------------------|--------------------|-------------------|
| Hispanic population ⁷ | 9.66% | 12.12% | +2.46% |
| Hispanic VAP | 8.16% | 9.95% | +1.79% |
| Latino Registration | 4.72% | 5.37% | +0.65% |

The Special Masters who drew the prior district lines had this to say about Yuba County:

Yuba is the smallest of the counties subject to preclearance and, like the other counties, is the site of a large military installation--Beale Air Force Base. Yuba County has very few protected minorities, far fewer than the state average. The same is true of the counties that surround it. Therefore, we could do nothing with respect to Yuba County so as to better comply with the Act.⁸

These comments are accurate today. Nonetheless, the statistics demonstrate that there is

⁶ All statistics found below were generated by the Maptitude redistricting program using 2000 census data, and voter registration data, and election returns from the California Statewide Database. The California Statewide Database is more fully described in section III.D below.

More detailed demographic statistics for each district are set forth in Appendices C and F. Maps of the old and new districts are provided in Appendices D and E (Senate) and G and H (Congress).

⁷ The term “Hispanic” will be used in all charts to describe data based on the 2000 Census because the Census asked whether respondents identified themselves as “Hispanic.” In all other circumstances, this submission will use the term “Latino.” The term “Latino” is used on the voter registration line of this chart (and all other charts) because registration data is not derived from the Census. Rather the voter registration data is derived by merging a Spanish surname list with voter registration data.

⁸ *Wilson, supra*, 1 Cal.4th at 746.

no retrogression or diminution of minority voting power in Yuba County.

b. Merced County -- SD 12

| <u>Group</u> | <u>1991</u> | <u>2001</u> | <u>Difference</u> | |
|---------------------|-------------|-------------|-------------------|---------|
| Hispanic population | | 33.70% | 49.17% | +15.47% |
| Hispanic VAP | 28.95% | 44.06% | +15.11% | |
| Latino Registration | 17.63% | 28.74% | +11.11% | |

As the table above shows, the new districting plan results in a dramatic increase in Latino voting power in Merced County. The increase is largely a result of extending SD 12 west to pick up San Benito County and the heavily-Latino eastern portion of Monterey County.⁹ All these areas, in fact the whole district, are heavily agricultural. The incumbent Senator in SD 12, Dick Monteith, is termed out in 2002. As a result, there will be no incumbent running in the 2002 election. With the new district lines, Latino voters will have a much-increased ability to influence the results of the upcoming Senatorial election.

⁹ See district map at Appendix E.

c. Monterey County -- SD 12 & SD 15

| <u>Group</u> | <u>1991</u> | | <u>2001</u> | | | |
|---------------------|--------------|--------------|-------------|--------------|-------------|------------------------------|
| | <u>SD 15</u> | <u>SD 12</u> | <u>Diff</u> | <u>SD 15</u> | <u>Diff</u> | |
| Hispanic population | | 38.22% | | 49.17% | +10.95 | 24. 40 %- 13. 82 |
| Hispanic VAP | 33.10% | 44.06% | +10.70 | 20.61% | -12.89 | |
| Latino Registration | 19.45% | 28.74% | +9.33 | 10.70% | -8.75 | |
| Minority population | | 51.18% | | 60.33% | +9.15 | 36. 83 %- 14. 35 |
| Minority VAP | 46.17% | 54.86% | +8.69 | 32.66% | -13.51 | |

The prior plan placed all of Monterey County in SD 15. The new plan divides Monterey County into two Senate districts, SD 12 and SD 15. The eastern portion of the county is placed in SD 12. This eastern portion tracks Highway 101 from east to west and is predominantly agricultural, containing the municipalities of Salinas, Soledad, Castroville, and Gonzales.¹⁰ This area is also predominantly Latino. The SD 12 portion of Monterey County is 69% Latino in population; 78% of the county's Latino population lives there.¹¹ The new SD 12 combines the eastern part of Monterey County with all or part of San Benito, Merced, Stanislaus, and Madera counties to the east. All these counties have a rural character and a significant Latino population. The result is a new SD 12 with almost 50% Latino population,

¹⁰ See new district map at Appendix E.

¹¹ See demographic details at Appendix C, p.4.

much higher than old SD 15. The new SD 12 has a majority-minority voting age population, unlike the former district.¹²

The western portion of Monterey county is placed in new SD 15. This coastal area has a much lower density Latino population. This area is 21% Latino in population; 21% of the county's Latino population lives there. This area is combined with all of San Luis Obispo and a small part of Santa Barbara counties to the south, and parts of Santa Cruz and Santa Clara County to the north. The result is a Senate district with 24% Latino population.

While the Latino population of SD 15 decreases from 38% to 24%, the decrease involves only a small fraction (21%) of the Latinos in Monterey County. This decrease is a direct result of joining the predominantly Latino eastern half of Monterey County with other heavily Latino counties to the east to form a new SD 12 with 49% Latino population and majority-minority VAP. This shift enhances minority electoral opportunities in Monterey County as a whole. Under the previous plan Latinos made up only 33% of the voting age population in the Monterey-based district (old SD 15).¹³

¹² See Appendix C, p.5 (containing minority population and minority VAP information for Monterey County). Minority statistics were calculated by subtracting all "white" responses from the total.

¹³ The division of Monterey County on an east-west axis is the same approach taken by the 1991 Special Masters to maximize Latino voting power in old Assembly District 28:

[W]e divided Monterey County into Latino and non-Latino parts, creating District 28 as a Latino influence district by joining the Latino parts with San Benito County, the Watsonville area of Santa Cruz County and the somewhat Latino part of southern Santa Clara County. The resulting Latino population is almost 46 percent (and the total minority population is over 56 percent.)

Wilson, supra, 1 Cal.4th at 773.

The division of Monterey County was modeled after the 1992 California Supreme Court-ordered (and Justice Department-precleared) Assembly redistricting plan. In that instance, the Court divided Monterey County on a generally east-west axis between the 27th AD and the 28th AD. That court-drafted line produced (according to year 2000 Census and demographic data) the following profile of Assembly Districts within Monterey County:

| | <u>AD 27</u> <u>183,164 population</u> | | <u>AD 28</u> <u>218,598 population</u> | |
|---------------------|---|--------|---|-------------------|
| Hispanic population | 43,041 | | 23.50% | 144,928 66.30% |
| Hispanic VAP | 27,919 | 19.81% | 89,399 | 60.90% |
| Latino Registration | 9,101 | 10.13% | 30,510 | 43.61% |

These numbers can be compared to the equivalent data for Senate districts contained in Chapter 348:

| | <u>SD 15</u> <u>188,670 population</u> | | <u>SD 12</u> <u>213,092 population</u> | |
|---------------------|---|--------|---|-------------------|
| Hispanic population | 40,798 | | 21.62% | 147,171 69.06% |
| Hispanic VAP | 26,593 | 18.29% | 90,725 | 63.75% |
| Latino Registration | 8,904 | 9.46% | 30,707 | 46.78% |

The Senate districts contained in Chapter 348 maximize the voting power of Latinos in Monterey County in a far more efficient manner than did the court-ordered (and Justice Department-precleared) Assembly redistricting of 1992. (But it should be noted that the 1992 Assembly plan produced a district that gave the overwhelming majority of Monterey County's Latino population the opportunity to elect Assemblyman Simon Salinas in 2000. Assemblyman Salinas is now a leading candidate for the newly drawn SD 12 seat.)

d. Kings County -- SD 16

| <u>Group</u> | <u>1991</u> | <u>2001</u> | <u>Difference</u> | |
|---------------------|-------------|-------------|-------------------|--------|
| Hispanic population | | 60.53% | 63.25% | +2.72% |
| Hispanic VAP | 55.82% | 58.58% | +2.76% | |
| Latino Registration | 39.81% | 42.99% | +3.18% | |

The chart demonstrates that there is no retrogression of minority voting power in SD

16.

3. Congressional Districts

a. Yuba County -- CD 2

| <u>Group</u> | <u>1991</u> | <u>2001</u> | <u>Difference</u> | |
|---------------------|-------------|-------------|-------------------|--------|
| Hispanic population | | 8.47% | 14.00% | +5.53% |
| Hispanic VAP | 7.02% | 11.42% | +4.40% | |
| Latino Registration | 4.07% | 6.08% | +2.01% | |

b. Monterey County -- CD 17

| <u>Group</u> | <u>1991</u> | <u>2001</u> | <u>Difference</u> | |
|---------------------|-------------|-------------|-------------------|--------|
| Hispanic population | | 42.62% | 42.86% | +0.24% |
| Hispanic VAP | 36.79% | 36.98% | +0.19% | |
| Latino Registration | 21.29% | 21.41% | +0.12% | |

c. Merced County -- CD 18

| <u>Group</u> | <u>1991</u> | <u>2001</u> | <u>Difference</u> | |
|---------------------|-------------|-------------|-------------------|--------|
| Hispanic population | | 36.45% | 41.92% | +5.47% |
| Hispanic VAP | 31.63% | 37.50% | +5.87% | |
| Latino Registration | 19.86% | 25.58% | +5.72% | |

d. Kings County -- CD 20

| <u>Group</u> | <u>1991</u> | <u>2001</u> | <u>Difference</u> | |
|---------------------|-------------|-------------|-------------------|--------|
| Hispanic population | | 63.73% | 63.14% | -0.59% |
| Hispanic VAP | 58.99% | 58.69% | -0.30% | |
| Latino Registration | 42.46% | 43.99% | +1.53% | |

e. Summary

The charts above demonstrate that there is no retrogression or diminution of minority voting power in the Congressional districts including the four covered counties. While the Latino population and Latino VAP of CD 20 (Kings) decreases by less than one percent, the new district has a Latino VAP of 58% and leaves Latino voters with ample opportunity to elect any candidate they choose -- in fact Latino registration increases.

D. Use of Estimates (28 C.F.R. §§ 51.26(b), 51.28(a)(3)).

The Statewide Database maintained by the Institute of Governmental Studies at UC Berkeley includes data on Latino registration and Asian registration that is compiled by merging surname lists with California voter registration data. The Statewide Database maintains a web page that fully describes the database and makes all data available to the public.¹⁴

The redistricting database is maintained by the Institute of Governmental Studies at UC Berkeley. The Institute has a bipartisan oversight Board, with members appointed by the majority and minority party in each house of the Legislature and by the Governor. The

¹⁴ See <http://swdb.berkeley.edu/>.

Director of the Institute is Bruce Cain, Robson Professor of Political Science at UC Berkeley.

E. Name, Title And Address of Persons Making This Submission (28 C.F.R. § 51.27(d)).

BILL LOCKYER
Attorney General
of the State of California
MANUEL E. MEDEIROS
Senior Assistant Attorney General
ROBERT E. LEIDIGH
Deputy Attorney General
1300 I Street, Suite 125
Post Office Box 944255
Sacramento, CA 94244-2550
PH: 916/322-3360
FX: 916/324-8835

F. Name of Submitting Authority And Name of Jurisdiction Responsible For Change (28 C.F.R. § 51.27(e)).

Name of submitting authority:

BILL LOCKYER
Attorney General
of the State of California
1300 I Street, Suite 125
Post Office Box 944255
Sacramento, CA 94244-2550
PH: 916/322-3360
FX: 916/324-8835

Name of jurisdiction responsible for change: THE STATE OF CALIFORNIA.

G. Identity of Body Responsible For Making The Change And The Mode of Decision (28 C.F.R. § 51.27(g)).

The districting changes that are the subject of this submission are contained in Chapter 348, a statute passed by the California Legislature and signed by the Governor.

H. Statement Identifying Authority Under Which The Change Was Made And Description of Procedures Required to Be Followed in Deciding to Undertake The Change (28 C.F.R. § 51.27(h)).

Article XXI, section 1 of the California Constitution requires the state Legislature to adjust the boundaries of Senatorial, Assembly, Congressional, and Board of Equalization districts in the year following the year in which the national census is taken. The redistricting is done by statute.

Both the Senate and the Congressional districting plans are contained in Chapter 348. Chapter 348 was processed by the Senate Standing Committee on Elections and Reapportionment.¹⁵ The committee created a redistricting web page that fully describes the redistricting process, including the process for submitting alternative districting plans.¹⁶ The committee held five public hearings throughout the State between May 22 and July 31, 2001, to receive public input.¹⁷ Once the committee's proposed plans were made public, the committee (along with its Assembly counterpart) held two days of joint hearings to receive feedback from the public on the proposed plans. The amount of public input received is voluminous and is more fully described elsewhere in this submission.

¹⁵ Biographies of all committee members can be accessed through the committee's home page at http://www.sen.ca.gov/ftp/sen/committee/STANDING/EL/_home1/PROFILE.HTM.

¹⁶ See http://www.sen.ca.gov/ftp/SEN/COMMITTEE/STANDING/EL/_home/. A copy of the Committee's Redistricting Submission Requirements is attached as Appendix I.

¹⁷ See hearing schedule at http://www.sen.ca.gov/ftp/SEN/COMMITTEE/STANDING/EL/_home/hearing.htm.

Chapter 348 passed the Senate by a vote of 38 to 2.¹⁸ It passed the Assembly by a vote 62 to 10.¹⁹

I. Date of Adoption (28 C.F.R. § 51.27(i)).

Chapter 348 was signed into law by the Governor on September 27, 2001.

¹⁸ See http://info.sen.ca.gov/pub/bill/asm/ab_0601-0650/ab_632_vote_20010912_0701PM_sen_floor.html.

¹⁹ Information on the floor vote can be accessed at http://info.sen.ca.gov/pub/bill/asm/ab_0601-0650/ab_632_vote_20010913_0414PM_asm_floor.html.

J. Date on Which Change Is to Take Effect (28 C.F.R. § 51.27(j)).

Chapter 348 was passed as an urgency bill with a 2/3 vote of both houses of the Legislature. Pursuant to article IV, section 8(c)(3) of the California Constitution, it took effect immediately upon signature by the Governor.

K. Statement re Enforcement (28 C.F.R. § 51.27(k)).

The new districts have not yet been used for any election. They will be used first at the March 5, 2002 primary. The first practical application of the new districts will come on October 29, 2001. Between October 29, 2001 and November 7, 2001 candidates for legislative office must file declarations of intention as to what office they intend to seek.²⁰

L. Geographical Scope of The Change (28 C.F.R. § 51.27(l)).

Chapter 348 redistricts all Senate and Congressional districts in the state. However, the only districts subject to preclearance are those that affect the four covered counties (Kings, Merced, Monterey and Yuba).

M. Statement of Reason For The Change (28 C.F.R. § 51.27(m)).

Article XXI, section 1 of the California Constitution requires the California Legislature to adjust the boundaries of Senatorial, Assembly, Congressional, and Board of Equalization districts in the year following the year in which the national census is taken.

N. Statement of Anticipated Effect on Members of Racial or Language Minority Groups (28 C.F.R. § 51.27(n)).

There will be no retrogression or dilution of minority voting power.

²⁰ See Cal.Elec.Code §§ 8022(a), 8020(a),(b).

O. Statement of Past or Pending Litigation (28 C.F.R. § 51.27(o)).

There is no past or pending litigation concerning the 2001 redistricting plans.

P. Statement re Preclearance of Prior Districting (28 C.F.R. § 51.27(p)).

The prior districting plan for the California Senate was precleared by a February 28, 1992, letter signed by Gerald W. Jones of the United States Department of Justice. The prior districting plan for the California Congressional Districts was precleared by a February 19, 1992, letter signed by John R. Dunne of the United States Department of Justice.²¹

IV. SUPPLEMENTAL MATERIALS (28 C.F.R. § 51.28).

A. Demographic Information (28 C.F.R. § 51.28(a)).

Demographic data on Senate and Congressional districts containing the four covered counties is attached as Appendices C (Senate) and F (Congress). A CD containing demographic data and maps is attached as Appendix O.

B. Maps (28 C.F.R. § 51.28(b)).

Maps of the old and new districts containing the four covered counties are attached as Appendices D and E (Senate), and G and H (Congress).

C. Election Returns (28 C.F.R. § 51.28(d)).

Election returns for the covered counties for the last decade are attached as Appendix K to the separate submission seeking preclearance of California Assembly and California Board of Equalization districts in the four covered counties.

²¹ Copies of both letters are attached in Appendix J.

D. Publicity and Participation (28 C.F.R. § 51.28(f)).

Section 51.28 requests, as supplementary information, evidence of public notice, evidence of the opportunity for the public to be heard, and evidence of the opportunity for interested parties, especially minority groups, to participate in the redistricting process.

For the 2001 redistricting process, the Committee utilized numerous resources to inform the public of the redistricting process and to encourage public participation.

1. Public Access to 2000 Census Data and California Voter Registration and Election Return Data.

A statewide database was maintained at the Institute of Government Studies at the University of California, Berkeley (“the Institute”) which included data from both the 2000 Census and California’s voter registration and elections returns. This database was available to the public free of charge by accessing the Institutes’s website at <http://swdb.berkeley.edu/info/info.html>. The Institute also provided nonpartisan technical support to persons using the Statewide Database, including making their offices and equipment available for public use and providing training for use of the data.

2. Senate Elections and Reapportionment Committee Website.

Public notice and participation were also facilitated by the Senate Committee on Elections and Reapportionment’s website at http://www.sen.ca.gov/ftp/sen/committee/STANDING/EL/_home1/PROFILE.HTM. Information maintained on the website included: names and contact information for Committee members and staff, notices of public hearings,

explanatory material regarding the redistricting process, as well as procedural information to assist the public in submitting plans for consideration by the Committee.²²

3. Public Hearings on Redistricting.

The Committee also held five public hearings at various locations throughout the state:²³

| | |
|------------------------------------|-------------------------------------|
| May 22 nd - Fresno | July 17 th - Los Angeles |
| July 23 rd - San Diego | July 24 th - San Jose |
| July 31 st - Sacramento | |

Prior to these hearings, committee staff mailed notices to scores of individuals and organizations inviting them to participate. Press releases were also sent to a comprehensive list of media contacts. A sign-in sheet was maintained at all hearings, and the names and addresses of attendees were added to mailing lists used to send notices for later hearings. Testimony given at each hearing was transcribed by a court reporter. Transcripts were then

²² The Legislative Data Center (“the LDC”) reports that during the period of August 27, 2001 through September 14, 2001, the Senate Elections and Reapportionment Committee Website was viewed a total 86,550 times. Significantly, the five most requested pages on the site during this period (including the number of visits) were: “Proposed California Senate Plans” (14,404); “Reapportionment Information” (13,027); “Proposed California Congressional Districts” (12,186); “Elections and Reapportionment Press Releases” (1,167); and “California’s Redistricting Process” (1,046). The LDC’s report may be found at: http://www.sen.ca.gov/logs2/reapp/senate_01_b.htm.

²³ Likewise, the Assembly Committee on Elections, Reapportionment, and Constitutional Amendments held several hearings around the state:

| | |
|---------------------------------------|------------------------------------|
| May 4 th - San Diego | May 11 th - Fresno |
| May 18 th - San Francisco | June 1 st - Seaside |
| June 8 th - Los Angeles | June 22 nd - Sacramento |
| July 6 th - San Bernardino | July 13 th - Santa Ana |

posted on the Committee's website and were also available for purchase from Senate Publications.

The public was reminded at each hearing that it could make submissions to the Committee in writing. The deadline for written submissions was August 1, 2001. During the course of the redistricting process, the Committee received several submissions. An index of these submissions is provided in Appendix K. The Mexican American Legal Defense and Education Fund (MALDEF) submitted complete Senate and Congressional plans. The African American Community Advisory Committee on Redistricting submitted partial plans that did not include the covered counties. In addition, several hundred written comments were received concerning specific districts or purported communities of interest.²⁴

The Committee released its proposed plan for California's Senate Districts on August, 30, 2001. The proposed plan for California's Congressional Districts was released by the Committee on August 30, 2001. Each proposed plan was immediately accessible to the public via the Committee's website, and included the relevant demographic information for each district.

On September 4th and 5th, the Assembly and Senate redistricting committees held two days of joint hearings to receive feedback from the public on the proposed plans. The combined mailing lists of both redistricting committees were used to publicize these hearings. Additionally, a list of all public libraries, by county, that provide free Internet

²⁴ See Appendix M, Volumes 4-7.

access was compiled and sent with all mailings and press releases concerning the joint hearings.

Through the use of interactive telecommunications technology, a town-hall style environment was created at the joint hearings. On the first day, while the committees met at the State Capitol in Sacramento, remote sites were established in San Jose, San Francisco, Monterey, and Fresno. On the second day, remote sites were established in Santa Ana, San Diego, San Bernardino, Los Angeles North, and Los Angeles South, while the committees once again met at the Capitol. Significantly, all persons at all sites were able to listen to the hearings and provide testimony.²⁵ Court reporters were also present throughout the two-day hearing, and transcripts were made available on the committees' websites.

Representatives from MALDEF, the NAACP, the Coalition of Asian Pacific Americans for Fair Redistricting, the African American Community Advisory Committee on Redistricting, the California Latino Redistricting Coalition, as well as numerous other representatives of various minority groups participated in the public hearings process.²⁶ A transcript of each hearing is attached as Appendix N.

Following the joint hearings, the Senate redistricting plan was amended. Amendments were immediately made available on the Committee's website for review and comment.

²⁵ Additionally, the California Channel, a nonprofit public affairs cable network, broadcast the joint hearings from 9:00 a.m. until 3:30 p.m. each day. The California Channel is available in 44 of California's 58 counties. *See* the California Channel website at <http://www.calchannel.com>.

²⁶ For a complete listing of the contact information for representatives of those communities who participated in the public hearings process, see Section IV.F, Minority Group Contacts, below.

Through the use of advances in telecommunications technology and the Internet, the California public was afforded an unprecedented degree of access to and participation in the 2001 redistricting process. Thousands of mailings and press releases were sent to persons and organizations across the state.²⁷ The Committee gathered volumes of public testimony and considered such input as plans were drawn and redrawn.

E. Availability of Submission (28 C.F.R. § 51.28(g)).

A duplicate copy of this submission is being made available in each covered jurisdiction at the following offices of the respective counties' elections departments:

Kings

Office of the County Clerk/Recorder
1400 W. Lacey Boulevard
Hanford, CA 93230

Merced

Office of the Clerk/Registrar
222 M Street, Room 14
Merced, CA 95340

Monterey

Monterey County Elections Dept.
1370 B South Main Street
Salinas, CA 93902

Yuba

Yuba County Clerk/Recorder
935 14th Street
Marysville, CA 95901

The public notice announcing the submission of the redistricting plan to the United States Attorney General, informing the public that a duplicate copy is available for inspection at the county election offices listed above, and inviting comment to the United States Attorney General is included as Appendix L. This notice is being mailed for posting

²⁷ Appendix M provides the press releases, public notices, mailing lists, agendas, sign-in sheets, requests to testify, written submissions, transcripts, and newspaper articles pertaining to the Committee's publicity and notice efforts. The mass of these materials clearly evince the extraordinary lengths that the Committee went to in encouraging public participation and comment on the redistricting process.

in public libraries, post offices and city halls throughout each of the covered counties. The public notice and this memorandum are also being posted on the Committee's website.

F. Minority Group Contacts (28 C.F.R. § 51.28(h)).

Numerous minority groups testified at the public hearings and provided written submissions to the Committee. The following enumerates the contact information of individuals from those minority groups who testified at the public hearings.

SAN DIEGO

African American Community Advisory Committee on Redistricting

Rev. William Monroe Campbell
3910 W. Martin Luther King, Jr. Blvd, Suite 201
Los Angeles, CA 90008
(213) 246-0124 or (323) 296-2360

African American Community Advisory Committee on Redistricting

Adrian Dove
6230 Wilshire Blvd., Suite 500-A
Los Angeles, CA 90048
(323) 934-3683

Asian Business Association

J.R. Chantengco, Founding Member
612 Via Armado
Chula Vista, CA 91910
(619) 656-8850

Latino Leadership Council

Richard Babcock
303 A Street, Suite 300
San Diego, CA 92401
(619) 702-2448

Pacific Islander Festival Association

Marie Cruz, President
1005 Novara Street
San Diego, CA 92107
(619) 223-1005

Southwest Center for Asian Pacific American Law

Levin G. Sy, Board Member
7390 Dany Road
San Diego, CA 92126
(858) 578-7585

FRESNO

Hmong American Community

Chukou Thao, Director
1044 Fulton Mall, #207
Fresno, CA 93721
(559) 237-4919

Mexican American Political Association

Guadalupe Gutierrez , Regional Director
(559) 646-2731

African American Political Association

Larry Rasheed Muhammad, President
P.O. Box 12071
Fresno, CA 93776

Mexican American Legal Defense and Education Fund

Eva Vasquez-Camacho
9505 Bard Ct.
Fresno, CA 93725
(661) 663-8058

Black Political Council

Jacqueline Hodge, Legislative Advocate
368 E. Summer Ave.
Fresno, CA 93725
(559) 237-2351

Japanese American Citizens League

Deborah Ikeda, Past President
1713 Tulare Street, Suite 133
Fresno, CA 93721
(209) 486-6815

SAN JOSE

Asian Law Alliance

Jackie Murahashi
184 E. Jackson Street
San Jose, CA 95112
(408) 287-9710

Coalition of Asian Pacific Americans for Fair Redistricting

Matthew Mo
Asian Pacific American Legal Center
1145 Wilshire Blvd., 2nd Floor
Los Angeles, CA 90017
(213) 977-7500

Organization of Chinese Americans, Silicon Valley Chapter

Lynette Eng
1873 Grant Park Lane
Los Altos, CA 94024
(650) 938-1931

Asian Americans for Community Involvement

Amor Santiago
2400 Moorpark Rd., #300
San Jose, CA 95128
(408) 975-2730

Asian American Public Policy Institute

Kim Singh
(650) 758-1322
Kimsingh@juno.com

Chinese American CEOs of Silicon Valley

Joel Szabat, Executive Director
7673 Bridgeview Drive
Sacramento, CA 95831
(916) 421-9980

Coalition of Vietnamese American Professionals Alliance, Silicon Valley

Hung Nguyen
2766 Meadowfaire Drive
San Jose, CA 95113
(408) 420-4864

SACRAMENTO

African American Community Advisory Committee on Redistricting

Rev. William Monroe Campbell, Coordinator
3910 W. Martin Luther King, Jr. Blvd, Suite 201
Los Angeles, CA 90008
(213) 246-0124 or (323) 296-2360

African American Community Advisory Committee on Redistricting

Adrian Dove, Research Director
6230 Wilshire Blvd., Suite 500-A
Los Angeles, CA 90048
(323) 934-3683

Mexican American Legal Defense and Education Fund

Amadis Velez, California Redistricting Coordinator
634 S. Spring Street
Los Angeles, CA 90014
(213) 629-2512, ext. 152

William C. Velazquez Institute

Zachary Gonzalez, Redistricting Coordinator
1501 S. Moony Blvd.
Visalia, CA 93277
(559) 625-0831

Whittier Latino Coalition

Louis R. Reyes, Chairman
Political Affairs Committee
7927 Newlin Avenue, Apt. B
Whittier, CA 90602

LOS ANGELES

Mexican American Legal Defense and Education Fund

Amadis Velez, California Redistricting Coordinator
634 S. Spring Street
Los Angeles, CA 90014
(213) 629-2512, ext. 152

William C. Velazquez Institute

Antonio Gonzalez, President
1501 S. Moony Blvd.
Visalia, CA 93277
(559) 625-0831

Inland Area African American Redistricting Coalition

Beverly Powell
P.O. Box 3694
San Bernardino, CA 92413
(909) 307-6742

California Latino Redistricting Coalition

Alan Clayton
1036 S. Pine Street
San Gabriel, CA 91776
(626) 285-5905

Coalition of Asian Pacific Americans for Fair Redistricting

Kathy Feng, Esq.
Asian Pacific American Legal Center
1145 Wilshire Blvd., 2nd Floor
Los Angeles, CA 90017
(213) 977-7500

African American Community Advisory Committee on Redistricting

Rev. William Monroe Campbell, Coordinator
3910 W. Martin Luther King, Jr. Blvd, Suite 201
Los Angeles, CA 90008
(213) 246-0124 or (323) 296-2360

African American Community Advisory Committee on Redistricting

Adrian Dove, Research Director
6230 Wilshire Blvd., Suite 500-A
Los Angeles, CA 90048
(323) 934-3683

NAACP of Los Angeles

Dr. Geraldine Washington, President
3910 M.L. King, Jr. Blvd., Suite 202
Los Angeles, CA 90008
(323) 296-2630

V. CONCLUSION

The new Senate and Congressional districts described above comply with all requirements of Section 5 of the Voting Rights Act. There is no retrogression in purpose or effect in the new plans. Preclearance should be granted as soon as possible, and in any event before October 29, 2001.

Dated: September 28, 2001

Respectfully submitted,

BILL LOCKYER

Attorney General of the State of California

MANUEL M. MEDEIROS

Senior Assistant Attorney General

ROBERT E. LEIDIGH

Deputy Attorney General